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*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

RECKSON GENERATION; TODD RECHLER,
individually, and in his capacity as Partner of
RECKSON GENERATION; TRUST FBO TODD
RECHLER; GLENN RECHLER, individually, and
in his capacity as Partner of RECKSON
GENERATION; TRUST FBO GLENN RECHLER
U/W/O WILLIAM RECHLER; MITCHELL

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05135 (SMB)

RECHLER, individually, and in his capacity as Partner of RECKSON GENERATION; TRUST FBO MITCHELL RECHLER; SCOTT RECHLER, individually, and in his capacity as Partner of RECKSON GENERATION; GREGG RECHLER, individually, and in his capacity as Partner of RECKSON GENERATION; MARK RECHLER; individually, and in his capacity as Partner of RECKSON GENERATION; TRUST FBO MARK RECHLER; and DONALD RECHLER, as Trustee for TRUST FBO MARK RECHLER, TRUST FBO GLENN RECHLER U/W/O WILLIAM RECHLER, TRUST FBO MITCHELL RECHLER, and TRUST FBO TODD RECHLER,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Windels Marx Lane & Mittendorf, LLP, and defendants Reckson Generation, Todd Rechler, individually, and in his capacity as Partner of Reckson Generation, Trust FBO Todd Rechler, Glenn Rechler, individually, and in his capacity as Partner of Reckson Generation, Trust FBO Glenn Rechler U/W/O William Rechler, Mitchell Rechler, individually, and in his capacity as Partner of Reckson Generation, Trust FBO Mitchell Rechler, Scott Rechler, individually, and in his capacity as Partner of Reckson Generation, Gregg Rechler, individually, and in his capacity as Partner of Reckson Generation, Mark Rechler, individually, and in his capacity as Partner of Reckson Generation, Trust FBO Mark Rechler, and Donald Rechler, as Trustee for Trust FBO Mark Rechler, Trust FBO Glenn Rechler U/W/O William Rechler, Trust FBO Mitchell Rechler, and Trust FBO Todd Rechler (collectively, “Defendants”),

by and through their counsel, Chaitman LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed a Complaint against Defendants.
2. On December 10, 2010, the Trustee filed an Amended Complaint.
3. On June 2, 2015, the Bankruptcy Court denied in part and granted in part motions to dismiss brought in this and certain other good faith adversary proceedings for reasons set forth in its Memorandum Decision Regarding Omnibus Motions to Dismiss (the “Omnibus Decision”).
4. On June 22, 2015, the Supreme Court of the United States denied certiorari of the Trustee’s appeal of *SIPC v. Ida Fishman Revocable Trust*, 14-1128 and *Picard v. Ida Fishman Revocable Trust*, 14-1129 (the “Supreme Court Decision”), and thus Section 546(e) of the Bankruptcy Code applies to this adversary proceeding.
5. On July 16, 2015, the Bankruptcy Court entered an order consistent with the Omnibus Decision and the Supreme Court Decision which, as relevant to this adversary proceeding, had the effect of dismissing without prejudice: a.) Trustee’s subsequent transfer claims against Todd Rechler, Glenn Rechler, Mitchell Rechler, Scott Rechler, Gregg Rechler and Mark Rechler, in their individual capacities, and b.) all of Trustee’s claims against Trust FBO Todd Rechler, Trust FBO Mitchell Rechler, and Donald Rechler, as Trustee for Trust FBO Todd Rechler and Trust FBO Mitchell Rechler.
6. On September 18, 2015, Defendants filed an Answer to the Amended Complaint.
7. On October 11, 2016, the Trustee and relevant defendants entered into settlement agreements resolving the remaining claims in this adversary proceeding pursuant to the

Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreements”).

8. Under the Settlement Agreements, relevant defendants will make installment payments to the Trustee and have executed Stipulations for Entry of Judgment as security for the installment payments, which will be held in escrow by the Trustee and not filed unless there is a default in the installment payments that remains uncured ten (10) business days after notice of default to defendants and their counsel.

9. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing of the adversary proceeding without costs to any party, subject to the right of the Trustee to move ex parte to re-open the adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulations for Entry of Judgment.

10. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties in interest.

11. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York
October 26, 2016

By: /s/ Howard L. Simon
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*Special Counsel for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: New York, New York
October 14, 2016

By: /s/ Helen Davis Chaitman
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Attorneys for Defendants

SO ORDERED

Dated: October 26th, 2016

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE